

SUBJECT: GAMBLING ACT 2005 TRIENNIAL REVIEW OF STATEMENT OF LICENSING POLICY

DIRECTORATE: COMMUNITIES & ENVIRONMENT

REPORT AUTHOR: IAN CULLEN, LICENSING TEAM LEADER

1. Purpose of Report

1.1 To update the committee on the result of the consultation of the Statement of Licensing Policy (the Policy) under the Gambling Act 2005 ('the Act')

2. Executive Summary

2.1 An updated Statement of Licensing Policy under the Gambling Act 2005 has been out for consultation.

2.2 Following feedback from various stakeholders, approval is sought to forward the amended Policy to Full Council for adoption.

3. Background

3.1 The Act requires that the Licensing Authority publish its Statement of Licensing Policy at least every three years. The date for publishing is on or before 31 January 2022.

3.2 Core to the Gambling Act are the licensing objectives. These are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open manner;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.3 The draft Policy was forwarded to a total of 47 persons/organisations and to every member of the Licensing Committee. The Policy was also placed on the Councils website. A copy of the revised Policy can be seen at Appendix A.

3.4 The list of persons consulted when reviewing the gambling policy was deliberately wide. This enables the licensing authority to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the policy.

3.5 The consultation period commenced on 26 August 2021 and ended on the 8 October 2021. A total of 2 responses were received.

3.6 The Gambling Commission Guidance to licensing authorities' states:

In determining its statement of policy, the licensing authority must give appropriate weight to the views of those it has consulted. In deciding what weight to give, the factors to be taken into account include:

- who is making the representations, the nature of their interest and their expertise
- relevance of the factors to the licensing objectives
- how many other people have expressed the same or similar views
- how far the representations relate to matters that the licensing authority should be including in its policy statement.

4. Consultation results

- 4.1 The first response was on behalf of Gambleaware. They were thankful of inclusion in the consultation and rather than comment directly about the policy they offered guidance, recommending two documents published by the Local Government Association. (Appendix B)
- 4.2 The comments from Gambleaware were appreciated and acknowledged, however it was felt that the documents did not need incorporating into the policy but would serve as a valuable tool alongside the policy when performing functions under the Act.
- 4.3 The second response received was a letter from Gosschalks Solicitors on behalf of the Betting and Gaming Council (BGC). Their response gives an overview of the work of the BGC and also makes some specific comments on the draft policy. (Appendix C)
- 4.4 Contact was made with the author of the letter and the points raised were discussed as presented below.
- 4.5 The suggestion for the removal of the penultimate sentence of paragraph 1.18 was taken on board, however because the sentence refers to potential future amendments to the legislation it was felt unnecessary to exclude it from the document. Furthermore, were there to be an amendment to the legislation then this policy document would likely be re-examined.
- 4.6 A further point raised in the response from Gosschalks refers to paragraphs 1.28 to 1.36 of Part B of the Policy document. Clarity was sought on the imposition of conditions on premises licences. It was felt that paragraphs 1.1 to 1.9 of Part B addressed the points raised in the letter and give sufficient guidance on how the Authority would approach each application.
- 4.7 The final point refers to paragraphs 2 to 7 of Part B of the Policy. The points raised here are acknowledged and appreciated. This Authority recognises that the risk assessments produced by applicants and operators are a dynamic document and should therefore be updated and changed depending on circumstance. It is felt that the measures and examples given in the corresponding paragraphs are meant as guidance and therefore an aid when producing these documents. Any imposition of conditions would only be if the discretion of the Licensing

Authority was engaged, and it was felt the risk assessments weren't sufficient to address any perceived risk to the licensing objectives.

4.8 No other responses were received during the consultation period.

5. Strategic Priorities

5.1 Let's drive inclusive economic growth

By keeping the statement of policy up to date it will ensure that there is clear guidance for local businesses.

5.2 Let's reduce all kinds of inequality

Protecting vulnerable people is a key objective of the Act. This Statement of Licensing Policy should ensure that the licensing objectives are promoted and the most vulnerable are protected.

5.3 Let's deliver quality housing

N/A

5.4 Let's enhance our remarkable place

N/A

5.5 Let's address the challenge of climate change

N/A

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

Cost of consultation and printing of Policy can be contained within the current licensing budget.

6.2 Legal Implications including Procurement Rules Gambling Act 2005 section 349.

A licensing authority shall before each successive period of three years –

- a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- b) publish the statement.

If the Council fails to introduce its reviewed Policy by 31 January 2022, it cannot function as the Licensing Authority under the Gambling Act 2005.

Additionally, the Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action proportionate to what it wishes to achieve?

6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The statement of policy shall ensure that the licensing function is conducted in a fair and transparent way.

The licensing policy provides transparency for everyone, including local residents and applicants for premises licences, who will be able to refer to the statement when making representations or when preparing their applications. There is therefore not a need to complete an Equality Impact Assessment as there are no specific impacts on anyone who has a protected characteristic.

7. Risk Implications

7.1 (i) Options Explored

7.2 (ii) Key risks associated with the preferred approach

8. Recommendation

8.1 The Committee is asked to:

- approve the draft policy; and
- recommend it to Full Council for adoption

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? 3

List of Background Papers: Appendix A – Draft Policy document
Appendix B – Response Gambleaware
Appendix C – Response Gosschalks

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